

## **DETAILED ACTION**

### **Specification**

The acronym CD-ROM should be defined in the specification.

### **Status of Claims**

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1-11, they recite "a system and method ...". Claims are vague and undefined because they are drafted to include both a system and a method within a single claim.

As to claim 3, 6, 10 and 11, they recite the term CD-ROM. The meaning of every term used in a claim should be defined in the claim or in the parent claim.

As to claim 10, it recites "...imprinting each of said CD-ROMs on an outer surface thereof ....". The phrasing should be - "...imprinting each of said CD-ROM on an outer surface thereof .... -. Appropriated correction is required.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1, 2, 4, 5, 7-9 are rejected under 35 U.S.C. 102(b) as being as being anticipated by US patent 5,865,470 Thompson.

As to claim 1, Thompson discloses a system and method for fundraising and marketing comprising the steps:

contacting at least one merchant/vendor to obtain at least one of merchandise and service discounts and offers; **(Col 4, lines 1-6)**

receiving advertising content containing said at least one of merchandise and service discounts and offers from said at least one merchant/vendor **(Thompson implicitly teaches the advertising content as the printer matter on the coupon card of his invention. Col. 3, lines 37-67);**

converting and organizing said advertising content received from said merchant/vendor into electronic format advertising **(Thompson teaches a redemption card with an integrated circuit, memory or microprocessor chip, this memory chip could be programmed to contain information about the coupon, Col. 12, lines 30-67, Col. 13. Lines 1 -20);**

transferring and storing said electronic format advertising on portable electronic format advertising storage media **(the coupon stored in the card mentioned by Thompson is considered the advertising information, Col. 13, lines 65-67, Col. 14, lines 1-15);**

providing said portable electronic format advertising storage media to fundraisers( **Col 4, lines 9-15**);

distributing said portable electronic format advertising storage media via said fundraisers to purchasers whereby funds are raised( **Col 4, lines 9-15**);

viewing said electronic format advertising on said portable electronic format advertising storage media via a computer system to obtain said at least one of merchandise and service discounts and offers(**Col. 13, lines 15-21**); and

redeeming at least one of said at least one of merchandise and service discounts and offers with said merchant/vendors via display of said portable electronic format advertising storage media to said merchant/vendors by said purchasers whereby said purchasers receive at least one of said at least one of merchandise and service discounts and offers (**Claim 1 of current reference, Col 13, lines 7-21**).

As to claim 2 and 7, Thompson discloses a step of converting and organizing said advertising content received from said merchant/vendor into electronic format advertising comprises placing said advertising content in the form of individual viewable electronic pages (**Thompson implicitly discloses the advertising content as the printer matter on the coupon card of his invention, Col. 3, lines 37-65. Further Thomson teaches that his system can be used to keep track of redeemable coupons (Col. 3, lines 63-65). Also Thomson implicitly teaches the electronic pages that can contain unlimited information in electronic form and programmed**

**to convey very detail information to a computer, Col 12, lines 30-67, Col. 13, lines 1-20 ).**

As to claim 4 and 8, Thomson teaches the distribution of said portable electronic format advertising storage media via said fundraisers to purchasers comprises exchanging said portable electronic format advertising storage media for money (**Col. 4, 9-15**) whereby said purchasers purchase said electronic format advertising storage media thereby raising funds for said fundraiser (**Col 3, lines 67-68, Col. 4, lines 1-6**).

As to claim 5 and 9, Thomson discloses the view of said electronic format advertising on said portable electronic format advertising storage media via a computer system comprises inserting said portable electronic format advertising storage media into said computer system and running said portable electronic format advertising storage media to access said electronic format advertising thereby permitting said purchaser to view said electronic format advertising (**Col. 13, lines 14-21**).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3, 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,865,470 Thompson in view of PG-PUB 20030028431 Kawahara.

As per claim 3, Thomson discloses a method that uses a credit card-shaped as applied above in the rejection of claim 1, under 35 U.S.C. 102(b), but Thompson does not disclose a method that transfers and stores an electronic format advertising on portable electronic format advertising storage media using a credit card-shaped CD-ROM as said portable electronic format advertising storage media.

However Kawahara teaches a method that transfers and stores an electronic format advertising on portable electronic format advertising storage media using a credit card-shaped CD-ROM as said portable electronic format advertising storage media([0008, 0019,0020,0021]).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include in Thompson's invention a credit card-shaped CD-ROM, in accordance with the teaching of Kawahara, because coupons, discounts or prizes for a buyer can be electronically written on a non-rewritable storage medium resulting in greater satisfaction for the merchant and the purchaser.

As per claim 6, Thomson discloses the invention substantially as claimed, including a method for fundraising and marketing comprising the steps: contacting at

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least one merchant/vendor to obtain at least one of merchandise and service discounts and offers; (Col 4, lines 1-6)

receiving advertising content containing said at least one of merchandise and service discounts and offers from said at least one merchant/vendor (Thompson implicitly teaches the advertising content as the printer matter on the coupon card of his invention, Col. 3, lines 37-67);

converting and organizing said advertising content received from said merchant/vendor into electronic format advertising(Thompson teaches a redemption card with an integrated circuit, memory or microprocessor chip, this memory chip could be programmed to contain information about the coupon, Col. 12, lines 30-67, Col. 13. Lines 1 -20);

transferring and storing said electronic format advertising on portable electronic format advertising storage media (the coupon stored in the card mentioned by Thompson is considered the advertising information , Col. 13, lines 65-67, Col. 14, lines 1-15);

providing said portable electronic format advertising storage media to fundraisers( Col 4, lines 9-15);

distributing said portable electronic format advertising storage media via said fundraisers to purchasers whereby funds are raised( Col 4, lines 9-15);

viewing said electronic format advertising on said portable electronic format advertising storage media via a computer system to obtain said at least one of merchandise and service discounts and offers(Col. 13, lines 15-21); and

redeeming at least one of said at least one of merchandise and service discounts and offers with said merchant/vendors via display of said portable electronic format advertising storage media to said merchant/vendors by said purchasers whereby said purchasers receive at least one of said at least one of merchandise and service discounts and offers (**Col 4, lines 1-9, Claim 1 of current reference**).

Thomson does not specifically teach using a **credit card-shaped CD-ROM** instead of or in addition to a memory chip card (credit card chip).

However, Kawahara teaches an incentive system that uses a card-type CD-ROM card (credit card-shaped CD-ROM- **[0008, 0021]**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Kawahara's teaching into the system of Thompson so as to use a CD-ROM, having a credit card-shaped type, instead of or in addition to a memory-chip card (credit card chip) to store coupon data (advertising data), wherein CD-ROM and/or memory-chip cards, having the coupon data stored thereon, are distributed to fundraisers who sell them to supporters in order to raise necessary funds and wherein a supporter can view or print one or more coupons redeemable on products sold at local stores, upon inserting a CD-ROM into a CD-ROM reader coupled to a computer.

thereby providing coupons for a buyer or a supporter, electronically written on a portable non-rewritable credit card-shaped CD-ROM, resulting in greater satisfaction for the merchant and the purchaser.

As per claim 10, Thomson discloses the invention substantially as claimed, including a method for contacting at least two merchants/vendors to obtain from each at least one of merchandise and service discounts and offers (**Col. 4, lines 1-6**);

receiving advertising content containing said at least one of merchandise and service discounts and offers from said at least one merchant/vendor(**Thompson implicitly teaches the advertising content as the printer matter on the coupon card of his invention, Col. 3, lines 37-67**);

converting and organizing said advertising content received from said merchant/vendor into electronic format advertising(**Thompson teaches a redemption card with an integrated circuit, memory or microprocessor chip, this memory chip could be programmed to contain information about the coupon, Col. 12, lines 30-67, Col. 13. Lines 1-20**);

transferring and storing said electronic format advertising on a portable electronic format advertising storage media(**the coupon stored in the card mentioned by Thompson is considered the advertising information** , Col. 13, lines 65-67, Col. 14, lines 1-15);

imprinting each of said portable electronic format advertising storage media on an outer surface thereof with indicia identifying said portable electronic format advertising storage media as being distributed by at least one selected fundraising entity (**Thomson talk about to place identification or advertising matter printed on the coupon card Col. 3, lines 46-48**);



providing said portable electronic format advertising storage media to said at least one fundraising entity(**Col 4, lines 9-15**);

distributing said portable electronic format advertising storage media via selling of said portable electronic format advertising storage media via said at least one fundraising entity to purchasers whereby funds are raised (**Col 4, lines 9-15**);

viewing said electronic format advertising on said portable electronic format advertising storage media via a computer system to obtain said at least one of merchandise and service discounts and offers(**Col. 13, lines 15-21**); and

redeeming at least one of said at least one of merchandise and service discounts and offers with said at least two merchant/vendors via display of said CD-ROM to said at least two merchant/vendors by said purchasers whereby said purchasers receive at least one of said at least one of merchandise and service discounts and offers(**Claim 1 of current reference, Col 13, lines 7-21**).

Thomson does not specifically teach using a **credit card-shaped CD-ROM** instead of or in addition to a memory chip card (credit card chip).

However, Kawahara teaches an incentive system that uses a card-type CD-ROM card (credit card-shaped CD-ROM- **[0008, 0021]**).

Therefore, it would have been obvious to one of ordinary skill in the art ,at the time of the invention, to incorporate Kawahara's teaching into the system of Thompson so as to use a CD-ROM, having a credit card-shaped type, instead of or in addition to a memory-chip card (credit card chip) to store coupon data (advertising data), wherein

A CD-ROM and or memory –chip cards, having the coupon data stored thereon, imprinting each CD-ROM on an outer surface with indicia identifying the CD-ROM as distributed by the selected fundraising entity, are distributed to fundraisers who sell them to supporters in order to raise necessary funds and wherein a supporter can view or print one or more coupons redeemable on products sold at local stores, upon inserting a CD-ROM into a CD-ROM reader coupled to a computer,

thereby providing coupons for a buyer or a supporter, electronically written on a portable non-rewritable CD-ROM with indicia identifying said CD-ROM as being distributed by the selected fundraising entity, resulting in greater satisfaction for the merchant and the purchaser.

As per claim 11, The method of Thompson includes preparing and recording information, which the purchasers receive, regarding the at least one fundraising entity for review by the purchasers, thereby encouraging the purchasers to continue their support of the at least one fundraising entity (Thompson mentions that the charitable organization sells the coupon cards to the public for a fee, it is understood that the public receives the coupon card that they buy, thereby encouraging the purchasers to continue their support of the at least one fundraising entity, Col. 4, lines 10-13).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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